

This order is SIGNED.

Dated: November 1, 2022



**R. KIMBALL MOSIER
U.S. Bankruptcy Judge**



David M. Cook (7043)
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**UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION**

IN RE: Trenton MacFarlane,

Debtor.

Bankruptcy No. 20-26525
Chapter 13
Hon. R. Kimball Mosier

**ORDER GRANTING DEBTOR'S MOTION TO VACATE DISMISSAL;
APPROVE MOTION TO APPOINT AGENT FOR THE SALE OF PROPERTY OF THE
ESTATE, APPROVE SALE OF REAL PROPERTY; APPROVE SALE OF VEHICLE;
APPROVE MODIFICATION OF THE CONFIRMED PLAN TO ALLOW FOR THE
EARLY PAYOFF OF BANKRUPTCY, AND APPROVAL OF ATTORNEY'S FEES**

The motion of the above-named Debtor, to 1) Vacate the Order of Dismissal entered on September 29, 2022; 2) Approve the appointment of Debtor's real estate agent, Marty Pace, as well as approve the sale of real property; 3) Approve the Modification of Debtor's Chapter 13 Plan to allow for the early payoff of the bankruptcy; and 4) Approve the sale of Debtor's vehicle; and to allow attorney's fees was scheduled to be heard before the Honorable R. Kimball Mosier on November 2, 2022, at 11:00 a.m. and instead came before the Court unopposed. The Court having considered the Debtor's Motion to Enter Order and the Trustee's Response to Debtor's October 31, 2022 Motion, finding that notice was proper, and being fully informed as to the facts

and law, the Court hereby ORDERS as follows:

1. That Debtor's Motion is granted;
2. The September 29, 2022 Order Dismissing this case is hereby set aside and the case and the automatic stay are hereby reinstated.
3. The Debtor is authorized to sell the home and real property located at 6273 South Sternwood Drive, Salt Lake City, UT 84129 for approximately \$428,000.00;
4. Marty Pace is hereby appointed as the real estate agent and is entitled to a fee of up to 4 % of the price of the home.
5. Debtor shall be paid his \$42,700.00 homestead exemption directly at closing.
6. The transfer shall be free and clear of liens and encumbrances with any valid existing liens to be paid at closing;
7. The remaining amount from the sale of the property shall be paid to the Trustee and shall constitute a lump sum plan contribution which shall increase the base return to creditors by the amount of the lump sum plan contribution. The title company or closing agent shall submit these funds directly to the Chapter 13 Trustee within 30 days of closing by mailing the funds to: Lon A. Jenkins, Chapter 13 Trustee, 465 S. 400 E., Suite 200, Salt Lake City UT 84111.
8. A copy of the final settlement statement and/or closing documents shall be provided to the Trustee within three (3) days of closing.
9. The Trustee shall make no further distributions on Claim No. 20. The Trustee is allowed a fee on any pre-petition mortgage arrearages, taxes or other encumbrances that are paid directly by the closing agent that otherwise would have been paid by the Trustee through the Plan, and shall be entitled to immediate payment of such fee based on the distribution

to the creditors.

10. The sale of Debtor's 2019 Toyota Camry for \$18,148.48 to Mark Miller Toyota is approved. The Trustee shall make no further distribution on claim No. 16 filed by Westlake Financial. The Trustee shall not be required to retrieve any funds disbursed on Claim No. 16 prior to the entry of this Order. The Trustee is allowed a fee on the debt that otherwise would have been paid by the Trustee through the Plan, and is entitled to immediate payment of such fee based on the distribution to the creditor.
11. The Trustee may administer and close the case without amended claims.
12. The Plan is hereby modified to return a 100% distribution to nonpriority unsecured creditors.
13. Debtor shall file a change of address as soon as practicable.
14. The Debtor must comply with the filing requirements to obtain a discharge.
15. If the Debtor fails to pay off the bankruptcy case, Debtor shall resolve the delinquency.
16. David M. Cook is awarded fees as an administrative expense in the amount of \$1,200.00.

[END OF DOCUMENT]

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **Order Granting Debtor's Motion to Vacate Dismissal; Approve Motion to Appoint Agent for the Sale of Property of the Estate, Approve Sale of Real Property; Approve Sale of Vehicle; Approve Modification of the Confirmed Plan to Allow for the Early Payoff of Bankruptcy, and Approval of Attorney's Fees** shall be served to the parties and in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Lon A. Jenkins
Chapter 13 Trustee
Via ECF

U.S. Trustee
Via ECF

David M. Cook
Via ECF

By U.S. Mail - In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b), as follows:

Trenton MacFarlane
6273 South Sternwood Drive
Salt Lake City, UT 84129

All parties on the Court's official case matrix